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Attorneys for Plaintiff OWEN DIAZ

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

DEMETRIC DI-AZ, OWEN DIAZ, and  
LAMAR PATTERSON,

Plaintiffs,

v.

TESLA, INC. dba TESLA MOTORS, INC.;  
CITISTAFF SOLUTIONS, INC.; WEST  
VALLEY STAFFING GROUP;  
CHARTWELL STAFFING SERVICES, INC.;  
and DOES 1-50, inclusive,

Defendants.

Case No. 3:17-cv-06748-WHO

**DECLARATION OF LAWRENCE A.  
ORGAN IN SUPPORT OF PLAINTIFF  
OWEN DIAZ'S ISSUE BRIEF  
REGARDING ADMISSIBILITY OF  
KEVIN MCGILL'S TESTIMONY**

Trial date: September 27, 2021  
Complaint filed: October 16, 2017

1 I, Lawrence A. Organ, declare:

2 1. I am an attorney of record for Plaintiff Owen Diaz. I make this declaration based  
3 on my personal knowledge. If called to do so, I could and would testify to the following.

4 2. My office noticed the deposition of former Defendant NextSource, Inc.'s  
5 ("NextSource") person most knowledgeable pursuant to Federal Rule of Civil Procedure  
6 30(b)(6). An amended notice was served on the parties on April 25, 2019.

7 3. On June 13, 2019, I received NextSource's objections to the amended notice. A  
8 true and correct copy of NextSource's objections is attached hereto and marked as **Exhibit 1**.

9 4. NextSource identified Kevin McGill as the person most knowledgeable as to  
10 certain topics identified in the notice.

11 5. On June 17, 2019, I took Mr. McGill's deposition.  
12

13 I declare under penalty of perjury under the laws of the United States of America that the  
14 foregoing is true and correct. Executed on the 26<sup>th</sup> of September, 2021.  
15

16 By: /s/ Lawrence A. Organ  
17 Lawrence A. Organ, Esq.  
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# EXHIBIT 1

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Attorneys for Defendant  
nextSource, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DEMETRIC DI-AZ, OWEN DIAZ, and  
LAMAR PATTERSON,

Plaintiffs,

v.

TESLA, INC. dba TESLA MOTORS, INC.;  
CITISTAFF SOLUTIONS, INC.; WEST  
VALLEY STAFFING GROUP;  
CHARTWELL STAFFING SERVICES,  
INC.; NEXTSOURCE, INC.; DOES 1-50  
inclusive,

Defendants.

Case No: 3:17-CV-06748-WHO  
[Removed from Alameda Superior Court, Case No.  
RG17878854]

**DEFENDANT NEXTSOURCE, INC.'S  
OBJECTIONS TO PLAINTIFFS' FIRST  
AMENDED NOTICE OF VIDEOTAPED  
DEPOSITION OF NEXTSOURCE, INC.'S  
PERSON MOST KNOWLEDGEABLE  
PURSUANT TO FED. R. CIV. P. 30(B)(6);  
AND REQUEST FOR PRODUCTION OF  
DOCUMENTS**

Dates: June 17, 2019  
Time: 10:00 a.m.  
Place: California Civil Rights Law Group  
332 San Anselmo Ave.  
San Anselmo, CA 94960

Trial Date: November 28, 2019

Pursuant to Rules 26(b)(1) and 30 of the Federal Rules of Civil Procedure, Defendant  
NEXTSOURCE, INC. ("Defendant") provides the following objections to Plaintiffs' First Notice  
of Videotaped Depositions of nextSource, Inc.'s Person Most Knowledgeable ("Notice") and  
Request for Production of Documents.

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**GENERAL OBJECTIONS AND QUALIFICATIONS**

1. Defendant generally objects to the Request to the extent it purports to impose obligations on it in excess of those required by Rule 30 of the Federal Rules of Civil Procedure. Defendant's response is governed by Rules 26 and 30 of the Federal Rules of Civil Procedure and other applicable law, and not by the instructions, definitions, or other prefatory remarks stated in the Notice.

2. Defendant objects to each and every individual matter of examination to the extent that it seeks testimony as to matters that are irrelevant to any party's claim or defense as permitted by Federal Rule of Civil Procedure 26(b)(1).

3. Defendant further objects to each and every individual matter of examination to the extent that it seeks discovery that is overbroad such that the burden and expense of producing such information outweighs its likely benefit as provided by Federal Rule of Civil Procedure 26(b)(2).

4. Defendant further objects to each and every individual matter of examination to the extent that it states matters for examination without reasonably particularity as required by Federal Rule of Civil Procedure 30(b)(6).

The foregoing objections and qualifications are incorporated by this reference into each and all of the following responses to which they are applicable, as though fully set forth therein.

Subject to the foregoing general objections, Defendant hereby responds to each subject matter ("matter") identified in the Notice as follows:

**I. OBJECTIONS TO TOPICS TO BE THE SUBJECT OF EXAMINATION**

**SUBJECT MATTER NO. 1:**

The contractual relationship between DEFENDANT and Tesla, Inc.

**RESPONSE TO SUBJECT MATTER NO. 1:**

Defendant objects to this matter for examination as the terms "contractual relationship" are vague, ambiguous and uncertain. Defendant objects to this matter to the extent that this category of examination seeks confidential, proprietary and/or trade secret information. Further, the matter is not limited in time and scope. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable as to the general nature of the relationship

1 between Defendant and Tesla, Inc.

2 **SUBJECT MATTER NO. 2:**

3 The contractual relationship between DEFENDANT and Citistaff Solutions, Inc.

4 **RESPONSE TO SUBJECT MATTER NO. 2:**

5 Defendant objects to this matter for examination as the terms “contractual relationship” are  
6 vague, ambiguous and uncertain. Defendant objects to this matter to the extent that this category  
7 of examination seeks confidential, proprietary and/or trade secret information. Further, the matter  
8 is not limited in time and scope. Subject to and without waiving the foregoing objections,  
9 Defendant will produce its person most knowledgeable as to the general nature of the relationship  
10 between Defendant and CitiStaff Solutions, Inc.

11 **SUBJECT MATTER NO. 3:**

12 The contractual relationship between DEFENDANT and West Valley Staffing Group, Inc.

13 **RESPONSE TO SUBJECT MATTER NO. 3:**

14 Defendant objects to this matter for examination as the terms “contractual relationship” are  
15 vague, ambiguous and uncertain. Defendant objects to this matter to the extent that this category  
16 of examination seeks confidential, proprietary and/or trade secret information. Further, the matter  
17 is not limited in time and scope. Subject to and without waiving the foregoing objections,  
18 Defendant is unable to produce a person most knowledgeable on this matter, as Defendant did not  
19 have a relationship with West Valley Staffing Group, Inc.

20 **SUBJECT MATTER NO. 4:**

21 DEFENDANT’S POLICIES and PROCEDURES related to race harassment in effect from  
22 2014 to present.

23 **RESPONSE TO SUBJECT MATTER NO. 4:**

24 Defendant objects to this matter for examination as the term “race harassment” is vague,  
25 ambiguous, uncertain, and unintelligible. Defendant objects to this matter on the grounds that it is  
26 overbroad and seeks information not relevant to claims or defenses and/or proportional to the needs  
27 of the case; particularly because this matter seeks examination on policies and procedures in effect  
28 during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont, California,

1 and as neither Plaintiffs nor other staffing agency workers (“contractors”) placed at the Tesla  
2 factory in Fremont, California, were Defendant’s employees and, as such, its policies and  
3 procedures would be inapplicable to them. Further, the matter lacks foundation and is not limited  
4 in time, scope, or geographic location. Subject to and without waiving the foregoing objections,  
5 Defendant will produce its person most knowledgeable concerning the policies and procedures  
6 applicable to its employees in effect during the relevant time period.

7 **SUBJECT MATTER NO. 5:**

8 DEFENDANT’S POLICIES and PROCEDURES RELATED to race discrimination in  
9 effect from 2014 to present.

10 **RESPONSE TO SUBJECT MATTER NO. 5:**

11 Defendant objects to this matter for examination as the term “race discrimination” is vague,  
12 ambiguous, uncertain, and unintelligible. Defendant objects to this matter on the grounds that it is  
13 overbroad and seeks information not relevant to claims or defenses and/or proportional to the needs  
14 of the case; particularly because this matter seeks examination on policies and procedures in effect  
15 during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont, California,  
16 and as neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California,  
17 were Defendant’s employees and, as such, its policies and procedures would be inapplicable to  
18 them. Further, the matter lacks foundation and is not limited in time, scope, or geographic location.  
19 Subject to and without waiving the foregoing objections, Defendant will produce its person most  
20 knowledgeable concerning the policies and procedures applicable to its employees in effect during  
21 the relevant time period.

22 **SUBJECT MATTER NO. 6:**

23 DEFENDANT’S POLICIES and PROCEDURES RELATED to investigating complaints  
24 of claims of race harassment in effect from 2014 to present.

25 **RESPONSE TO SUBJECT MATTER NO. 6:**

26 Defendant objects to this matter for examination as the terms “investigating complaints”  
27 and “race harassment” are vague, ambiguous, uncertain, and unintelligible. Defendant objects to  
28 this matter on the grounds that it is overbroad and seeks information not relevant to claims or

defenses and/or proportional to the needs of the case; particularly because this matter seeks examination on policies and procedures in effect during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont, California, and as neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California, were Defendant's employees and, as such, its policies and procedures would be inapplicable to them. Further, the matter lacks foundation and is not limited in time, scope, or geographic location. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable concerning the policies and procedures applicable to its employees in effect during the relevant time period.

**SUBJECT MATTER NO. 7:**

DEFENDANT'S POLICIES and PROCEDURES RELATED to investigating complaints of race discrimination in effect from 2014 to present.

**RESPONSE TO SUBJECT MATTER NO. 7:**

Defendant objects to this matter for examination as the terms "investigating complaints" and "race discrimination" are vague, ambiguous, uncertain, and unintelligible. Defendant objects to this matter on the grounds that it is overbroad and seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because this matter seeks examination on policies and procedures in effect during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont, California, and as neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California, were Defendant's employees and, as such, its policies and procedures would be inapplicable to them. Further, the matter lacks foundation and is not limited in time, scope, or geographic location. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable concerning the policies and procedures applicable to its employees in effect during the relevant time period.

**SUBJECT MATTER NO. 8:**

DEFENDANT'S communication(s) to its EMPLOYEES of POLICIES and PROCEDURES RELATED TO race harassment from 2014 to present.

**RESPONSE TO SUBJECT MATTER NO. 8:**

Defendant objects to this matter for examination as the terms "communication(s)" and



“race harassment” are vague, ambiguous, uncertain, and unintelligible. Defendant objects to this matter on the grounds that it is overbroad and seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because this matter seeks examination on policies and procedures in effect during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont, California, and as neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California, were Defendant’s employees and, as such, its policies and procedures would be inapplicable to them. Further, the matter lacks foundation and is not limited in time, scope, or geographic location. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable concerning the policies and procedures applicable to its employees in effect during the relevant time period.

**SUBJECT MATTER NO. 9:**

DEFENDANT’S communications(s) to its EMPLOYEES of POLICIES and PROCEDURES RELATED TO race discrimination from 2014 to present.

**RESPONSE TO SUBJECT MATTER NO. 9:**

Defendant objects to this matter for examination as the terms “communication(s)” and “race discrimination” are vague, ambiguous, uncertain, and unintelligible. Defendant objects to this matter on the grounds that it is overbroad and seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because this matter seeks examination on policies and procedures in effect during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont, California, and as neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California, were Defendant’s employees and, as such, its policies and procedures would be inapplicable to them. Further, the matter lacks foundation and is not limited in time, scope, or geographic location. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable concerning the policies and procedures applicable to its employees in effect during the relevant time period.

**SUBJECT MATTER NO. 10:**

Any anti-harassment, anti-discrimination, and/or anti-retaliation training that was provided by YOU to YOUR employees at the TESLA FACTORY since 2014.

**RESPONSE TO SUBJECT MATTER NO. 10:**

Defendant objects to this matter for examination as the terms “training”, “anti-discrimination” and “anti-retaliation” are vague, ambiguous and uncertain. Further, the matter is not limited in time and scope. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable concerning any formal training on employment harassment, discrimination and retaliation in employment provided to its employees at the Tesla factory in Fremont, California during the relevant time period.

**SUBJECT MATTER NO. 11:**

Any anti-harassment, anti-discrimination and/or anti-retaliation training materials, practices and/or guidelines YOU provided to YOUR employees and/or supervisors and/or managers since 2014.

**RESPONSE TO SUBJECT MATTER NO. 11:**

Defendant objects to this matter for examination as the terms ““anti-harassment,” anti-discrimination,” “anti-retaliation” “training materials,” “practices” and “guidelines” are vague, ambiguous and uncertain. Further, the matter is not limited in time, scope, or geographic location. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable concerning formal training documents provided to its employees at the Tesla factory in Fremont, California during the relevant time period.

**SUBJECT MATTER NO. 12:**

Any investigation(s) YOU conducted in response to PLAINTIFFS’ complaint(s) of race harassment.

**RESPONSE TO SUBJECT MATTER NO. 12:**

Defendant objects to this matter for examination as the terms ““investigation(s),” “conducted,” and “race harassment” are vague, ambiguous and uncertain. Defendant further objects to the extent this category of examination seeks information protected by the attorney-client privilege and/or attorney work product doctrine. Further, the matter lacks foundation and is not limited in scope. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable concerning the review of the allegations by Defendant in

1 response to the complaint of alleged race harassment made by Plaintiff Owen Diaz while at the  
 2 Tesla factory in Fremont, California during the relevant time period.

3 **SUBJECT MATTER NO. 13:**

4 The circumstances (who, what, where, when, how, and why) of any investigation  
 5 conducted by DEFENDANT into Plaintiffs' claims of race harassment.

6 **RESPONSE TO SUBJECT MATTER NO. 13:**

7 Defendant objects to this matter for examination as the terms "circumstances" and  
 8 "investigation," and "race harassment" are vague, ambiguous and uncertain. Defendant further  
 9 objects to the extent this category of examination seeks information protected by the attorney-  
 10 client privilege and/or attorney work product doctrine. Further, the matter lacks foundation and is  
 11 not limited in scope. Subject to and without waiving the foregoing objections, Defendant will  
 12 produce its person most knowledgeable concerning the review of the allegations by Defendant in  
 13 response to the complaint of alleged race harassment made by Plaintiff Owen Diaz while at the  
 14 Tesla factory in Fremont, California during the relevant time period

15 **SUBJECT MATTER NO. 14:**

16 The results of any investigation(s) conducted by DEFENDANT into PLAINTIFFS' claims  
 17 of race harassment.

18 **RESPONSE TO SUBJECT MATTER NO. 14:**

19 Defendant objects to this matter for examination as the terms "investigation(s)" and "race  
 20 harassment" are vague, ambiguous and uncertain. Defendant further objects to the extent this  
 21 category of examination seeks information protected by the attorney-client privilege and/or  
 22 attorney work product doctrine. Further, the matter lacks foundation and is not limited in scope.  
 23 Subject to and without waiving the foregoing objections, Defendant will produce its person most  
 24 knowledgeable concerning the review of the allegations by Defendant in response to any complaint  
 25 of alleged race harassment made by Plaintiff Owen Diaz while at the Tesla factory in Fremont,  
 26 California during the relevant time period.

27 **SUBJECT MATTER NO. 15:**

28 What action, if any, was taken by DEFENDANT as a result of its investigation(s) into

1 PLAINTIFFS' claims of race harassment.

2 **RESPONSE TO SUBJECT MATTER NO. 15:**

3 Defendant objects to this matter for examination as the terms "action," "investigation(s),"  
4 and "race harassment" are vague, ambiguous and uncertain. Defendant further objects to the extent  
5 this category of examination seeks information protected by the attorney-client privilege and/or  
6 attorney work product doctrine. Further, the matter lacks foundation and is not limited in scope.  
7 Subject to and without waiving the foregoing objections, Defendant will produce its person most  
8 knowledgeable concerning the review of the allegations by Defendant in response to the complaint  
9 of alleged race harassment made by Plaintiff Owen Diaz while at the Tesla factory in Fremont,  
10 California during the relevant time period.

11 **SUBJECT MATTER NO. 16:**

12 YOUR policies and procedures RELATED to disciplining employees.

13 **RESPONSE TO SUBJECT MATTER NO. 16:**

14 Defendant objects to this matter for examination as the terms "policies," "procedures" and  
15 "disciplining" are vague, ambiguous and uncertain. Defendant objects to this matter on the grounds  
16 that it is overbroad and seeks information not relevant to claims or defenses and/or proportional to  
17 the needs of the case; particularly because this matter seeks examination on policies and procedures  
18 in effect during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont,  
19 California, and as neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont,  
20 California, were Defendant's employees and, as such, its policies and procedures would be  
21 inapplicable to them. Further, the matter is not limited in time, scope, or geographic location.  
22 Defendant will not produce a witness to testify on this matter based on the foregoing objections.

23 **SUBJECT MATTER NO. 17:**

24 YOUR policies and procedures RELATED TO investigating allegations or complaints of  
25 race harassment or discrimination by contractors working at your factory in Fremont, California.

26 **RESPONSE TO SUBJECT MATTER NO. 17:**

27 Defendant objects to this matter for examination as the terms "policies," "procedures,"  
28 "investigating," "allegations," "race harassment" "discrimination" and "your factory in Fremont,"  
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California” are vague, ambiguous and uncertain. Defendant objects to this matter on the grounds that it is overbroad and seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because this matter seeks examination on policies and procedures in effect during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont, California, and as neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California, were Defendant’s employees and, as such, its policies and procedures would be inapplicable to them. Further, Defendant did not own, operate, or control the Tesla factory in Fremont, California. Defendant also objects to this matter as not limited in time or scope. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable concerning the policies and procedures applicable to its employees in effect during the relevant time period.

**SUBJECT MATTER NO. 18:**

YOUR policies and procedures for your contractors to ensure that they enforce your anti-harassment, anti-discrimination, or anti-retaliation policies and procedures for their employees working at your factory in Fremont, California.

**RESPONSE TO SUBJECT MATTER NO. 18:**

Defendant objects to this matter for examination as the terms “your contractors,” “policies,” “procedures,” “ensure,” “anti-harassment,” “anti-discrimination,” “their employees” and “your factory in Fremont, California” are vague, ambiguous and uncertain. Defendant objects to this matter on the grounds that it is overbroad and seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because this matter seeks examination on policies and procedures in effect during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont, California, and as neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California, were Defendant’s employees and, as such, its policies and procedures would be inapplicable to them. Further, Defendant did not own, operate, or control the Tesla factory in Fremont, California. Defendant also objects to this matter as not limited in time or scope. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable to concerning the policies and procedures applicable to its

employees in effect during the relevant time period.

**SUBJECT MATTER NO. 19:**

YOUR policies and procedures for ensuring that workers who are working at your Fremont, California factory are not subjected to harassment, discrimination, or retaliation.

**RESPONSE TO SUBJECT MATTER NO. 19:**

Defendant objects to this matter for examination as the terms “policies,” “procedures,” “workers,” “ensuring,” “your factory in Fremont, California,” “harassment,” “discrimination, and “retaliation” are vague, ambiguous and uncertain. Defendant objects to this matter on the grounds that it is overbroad and seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because Defendant did not own, operate, or control the Tesla factory in Fremont, California. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable concerning the policies and procedures applicable to its employees in effect during the relevant time period.

**SUBJECT MATTER NO. 20:**

Plaintiff Owen Diaz’s work performance during his employment at the TESLA FACTORY (including but not limited to his work performance reviews and attendance).

**RESPONSE TO SUBJECT MATTER NO. 20:**

Defendant objects to this matter for examination as the terms “work performance” and “employment” are vague, ambiguous and uncertain. The subject matter is not relevant to claims or defenses and/or proportional to the needs of the case as Defendant was not Plaintiff Owen Diaz’s employer and was not responsible for managing his performance. Further, the matter is not limited in scope. Defendant will not produce a witness to testify on this matter based on the foregoing objections.

**SUBJECT MATTER NO. 21:**

Plaintiff Demetric Di-az’s work performance during his employment at the TESLA FACTORY (including but not limited to his work performance reviews and attendance).

**RESPONSE TO SUBJECT MATTER NO. 21:**

Defendant objects to this matter for examination as the terms “work performance” and



1 “employment” are vague, ambiguous, uncertain, and unintelligible. The subject matter is not  
 2 relevant to claims or defenses and/or proportional to the needs of the case as Defendant was not  
 3 Plaintiff Demetric Di-az’s employer and was not responsible for managing his performance.  
 4 Further, the matter is not limited in scope. Defendant will not produce a witness to testify on this  
 5 matter based on the foregoing objections.

6 **SUBJECT MATTER NO. 22:**

7 The circumstances (who, what, where, when, how and why) of DEFENDANT’s past  
 8 record of acting on race harassment complaints from 2010 to the present.

9 **RESPONSE TO SUBJECT MATTER NO. 22:**

10 Defendant objects to this matter for examination as the terms “past record,”  
 11 “circumstances,” “acting,” and “race harassment” are vague, ambiguous and uncertain. It is overly  
 12 broad, burdensome, and oppressive. Further, the matter is not limited in time, scope, or geographic  
 13 location. The subject matter is not relevant to claims or defenses and/or proportional to the needs  
 14 of the case and it seeks inadmissible “me too” evidence. Finally, the subject matter seeks testimony  
 15 regarding Defendant’s current and former employees in violation of the privacy rights of third  
 16 parties as guaranteed by the California and United States Constitutions. Defendant will not produce  
 17 a witness to testify on this matter based on the foregoing objections.

18 **SUBJECT MATTER NO. 23:**

19 For the period from 2010 to the present, the circumstances (who, what, where, when, how  
 20 and why) of any civil actions filed against DEFENDANT or DEFENDANT’s employee by another  
 21 employee claiming that they were the victim of race harassment, including but not limited to the  
 22 use of “nigger” or “nigga” in the workplace, or that DEFENDANT failed to take reasonable steps  
 23 to prevent harassment from occurring, including (a) the name, address, and telephone number of  
 24 each employee who filed the action; (b) the court, names of the parties, and case number of the  
 25 civil action; (c) state the name, address, and telephone number of any attorney representing each  
 26 employee; (d) whether the action has been resolved or is pending.

27 **RESPONSE TO SUBJECT MATTER NO. 23:**

28 Defendant objects to this matter for examination as the terms “circumstances,” “civil  
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actions,” “acting,” and “race harassment” are vague, ambiguous, uncertain, and unintelligible. It is overly broad, burdensome, and oppressive. Defendant further objects to the extent this category of examination seeks information protected by the attorney-client privilege and/or attorney work product doctrine. Further, the matter is not limited in time, scope, or geographic location. The subject matter is not relevant to claims or defenses and/or proportional to the needs of the case and as it seeks inadmissible “me too” evidence. Finally, the subject matter seeks testimony regarding Defendant’s current and former employees in violation of the privacy rights of third parties as guaranteed by the California and United States Constitutions. Defendant will not produce a witness to testify on this matter based on the foregoing objections.

**SUBJECT MATTER NO. 24:**

The facts supporting DEFENDANT’s claim, if so, that it took reasonable steps to prevent and correct workplace race harassment from 2014 to present.

**RESPONSE TO SUBJECT MATTER NO. 24:**

Defendant objects to this matter for examination as the terms “supporting,” “claim” “reasonable steps,” “correct,” and “race harassment” are vague, ambiguous, uncertain, and unintelligible. It is overly broad, burdensome, and oppressive. Further, the matter is not limited in time, scope, or geographic location. The subject matter not relevant to claims or defenses and/or proportional to the needs of the case and as it seeks inadmissible “me too” evidence. This matter is not proper for deposition as it seeks a party contention. Defendant will not produce a witness to testify on this matter based on the foregoing objections.

**SUBJECT MATTER NO. 25:**

The facts supporting DEFENDANT’S claim, if so, that PLAINTIFFS unreasonably failed to use DEFENDANT’s anti-harassment complaint procedures.

**RESPONSE TO SUBJECT MATTER NO. 25:**

Defendant objects to this matter for examination as the terms “supporting,” “unreasonably failed” and “anti-harassment complaint procedures” are vague, ambiguous and uncertain. It is overly broad, burdensome, and oppressive. Further, the matter is not limited in time, scope, or geographic location. Defendant objects to this matter on the grounds that it seeks information not



1 relevant to claims or defenses and/or proportional to the needs of the case; particularly as neither  
2 Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California, were  
3 Defendant's employees and, as such, its policies would be inapplicable to them. This matter is not  
4 proper for deposition as it seeks a party contention. Defendant will not produce a witness to testify  
5 on this matter based on the foregoing objections.

6 **SUBJECT MATTER NO. 26:**

7 The details of DEFENDANT's anti-harassment complaint procedures from 2014 to  
8 present.

9 **RESPONSE TO SUBJECT MATTER NO. 26:**

10 Defendant objects to this matter for examination as the terms "details," and "anti-  
11 harassment complaint procedures" are vague, ambiguous and uncertain. Defendant further objects  
12 to the extent this category of examination seeks information protected by the attorney-client  
13 privilege and/or attorney work product doctrine. Defendant objects to this matter on the grounds  
14 that it is overbroad and seeks information not relevant to claims or defenses and/or proportional to  
15 the needs of the case; particularly because this matter seeks examination on procedures in effect  
16 during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont, California,  
17 and as neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California,  
18 were Defendant's employees and, as such, its procedures would be inapplicable to them. Further,  
19 the matter is not limited in scope or geographic location. Subject to and without waiving the  
20 foregoing objections, Defendant will produce its person most knowledgeable concerning the  
21 procedure for making complaints of alleged unlawful harassment applicable to its employees in  
22 effect during the relevant time period.

23 **SUBJECT MATTER NO. 27:**

24 The facts supporting DEFENDANT's claim, if so, that DEFENDANT provided  
25 preventative and corrective measures for claims of race harassment from 2014 to present.

26 **RESPONSE TO SUBJECT MATTER NO. 27:**

27 Defendant objects to this matter for examination as the terms "preventative and corrective  
28 measures" and "race harassment" are vague, ambiguous and uncertain. Further, the matter lacks

1 foundation and is not limited in time, scope, or geographic location. This matter is not proper for  
2 deposition as it seeks a party contention. Defendant will not produce a witness to testify on this  
3 matter based on the foregoing objections.

4 **SUBJECT MATTER NO. 28:**

5 What type of conduct DEFENDANT considered to be unlawful race harassment from 2014  
6 through 2016.

7 **RESPONSE TO SUBJECT MATTER NO. 28:**

8 Defendant objects to this matter for examination as the terms “conduct” and “unlawful race  
9 harassment” are vague, ambiguous and uncertain. It is overly broad, burdensome, and oppressive.  
10 Defendant objects to this matter on the grounds that it seeks information not relevant to claims or  
11 defenses and/or proportional to the needs of the case; particularly because neither Plaintiffs nor  
12 other contractors placed at the Tesla factory in Fremont, California, were Defendant’s employees  
13 and, as such, its policies and procedures would be inapplicable to them. Defendant further objects  
14 to the extent this category of examination seeks information protected by the attorney-client  
15 privilege and/or attorney work product doctrine. Defendant objects to this matter for examination  
16 as it calls for an opinion and a legal conclusion. Defendant will not produce a witness to testify on  
17 this matter based on the foregoing objections.

18 **SUBJECT MATTER NO. 29:**

19 The facts supporting DEFENDANT’s claim, if so, that the reasonable use of its procedures  
20 would have prevented some or all of PLAINTIFFS’ harm.

21 **RESPONSE TO SUBJECT MATTER NO. 29:**

22 Defendant objects to this matter for examination as the terms “reasonable use”  
23 “procedures” and “harm” are vague, ambiguous, uncertain, and unintelligible. It is overly broad,  
24 burdensome, and oppressive. Defendant objects to this matter on the grounds that it is overbroad  
25 and seeks information not relevant to claims or defenses and/or proportional to the needs of the  
26 case; particularly because neither Plaintiffs nor other contractors placed at the Tesla factory in  
27 Fremont, California, were Defendant’s employees and, as such, its procedures would be  
28 inapplicable to them. Further, the matter lacks foundation and is not limited in time, scope, or

1 geographic location. This matter is not proper for deposition as it seeks a party contention.  
2 Defendant will not produce a witness to testify on this matter based on the foregoing objections.

3 **SUBJECT MATTER NO. 30:**

4 Any racial harassment complaints made against Ramon Martinez and received by YOU.

5 **RESPONSE TO SUBJECT MATTER NO. 30:**

6 Defendant objects to this matter for examination as the term “racial harassment  
7 complaints” is vague, ambiguous and uncertain. It is overly broad, burdensome, and oppressive.  
8 Further, the matter is not limited in time, scope, or geographic location. Defendant objects to this  
9 matter on the grounds that it seeks information not relevant to claims or defenses and/or  
10 proportional to the needs of the case; particularly because Ramon Martinez was not an employee  
11 of Defendant. Subject to and without waiving the foregoing objections, Defendant will produce its  
12 person most knowledgeable concerning Plaintiff Owen Diaz’s complaint against Ramon Martinez  
13 to the extent that information about such a complaint was received by Defendant during the  
14 relevant time period.

15 **SUBJECT MATTER NO. 31:**

16 Any racial harassment complaints of race harassment received by YOU involving Ramon  
17 Martinez.

18 **RESPONSE TO SUBJECT MATTER NO. 31:**

19 Defendant objects to this matter for examination as the terms “racial harassment complaints  
20 of race harassment” are vague, ambiguous, uncertain, and unintelligible. It is overly broad,  
21 burdensome, and oppressive. Further, the matter lacks foundation and is not limited in time, scope,  
22 or geographic location. Defendant objects to this matter on the grounds that it seeks information  
23 not relevant to claims or defenses and/or proportional to the needs of the case; particularly because  
24 Ramon Martinez was not an employee of Defendant. Subject to and without waiving the foregoing  
25 objections, Defendant will produce its person most knowledgeable concerning Plaintiff Owen  
26 Diaz’s complaint against Ramon Martinez to the extent that information about such a complaint  
27 was received by Defendant during the relevant time period.

1 **SUBJECT MATTER NO. 32:**

2 Any discipline issued to Ramon Martinez as a result of Plaintiff Owen Diaz's complaint of  
3 race harassment.

4 **RESPONSE TO SUBJECT MATTER NO. 32:**

5 Defendant objects to this matter for examination as the terms "discipline" and "complaint  
6 of race harassment" are vague, ambiguous, uncertain, and unintelligible. It is overly broad,  
7 burdensome, and oppressive. Further, the matter is not limited in time, scope, or geographic  
8 location. Defendant objects to this matter on the grounds that it seeks information not relevant to  
9 claims or defenses and/or proportional to the needs of the case; particularly because Ramon  
10 Martinez was not an employee of Defendant. Subject to and without waiving the foregoing  
11 objections, Defendant will produce its person most knowledgeable to testify concerning discipline  
12 issued to Ramon Martinez due to Plaintiff Owen Diaz's complaint against Ramon Martinez to the  
13 extent that information was made available to Defendant

14 **SUBJECT MATTER NO. 33:**

15 Any discipline issued to Ramon Martinez as a result of complaints of racial harassment  
16 that YOU received.

17 **RESPONSE TO SUBJECT MATTER NO. 33:**

18 Defendant objects to this matter for examination as the terms "discipline" and "complaints  
19 of racial harassment" are vague, ambiguous, uncertain, and unintelligible. It is overly broad,  
20 burdensome, and oppressive. Further, the matter is not limited in time, scope, or geographic  
21 location. Defendant objects to this matter on the grounds that it seeks information not relevant to  
22 claims or defenses and/or proportional to the needs of the case; particularly because Ramon  
23 Martinez was not an employee of Defendant. Subject to and without waiving the foregoing  
24 objections, Defendant will produce its person most knowledgeable to testify concerning discipline  
25 issued to Ramon Martinez due to Plaintiff Owen Diaz's complaint against Ramon Martinez to the  
26 extent that information was made available to Defendant

27 **SUBJECT MATTER NO. 34:**

28 Any complaints of racial harassment that YOU received involving Ed Romero.

**RESPONSE TO SUBJECT MATTER NO. 34:**

Defendant objects to this matter for examination as the terms “complaints of racial harassment” are vague, ambiguous and uncertain. It is overly broad, burdensome, and oppressive. Defendant further objects to the extent this category of examination seeks information protected by the attorney-client privilege and/or attorney work product doctrine. Further, the matter is not limited in time, scope, or geographic location. The subject matter is not relevant as to the claims asserted against Defendant. Finally, the subject matter seeks testimony in violation of the privacy rights of third parties as guaranteed by the California and United States Constitutions. Defendant will not produce a witness on this matter on the basis of the foregoing objections.

**SUBJECT MATTER NO. 35:**

Any discipline issued to Ed Romero as a result of complaints of racial harassment that YOU received.

**RESPONSE TO SUBJECT MATTER NO. 35:**

Defendant objects to this matter for examination as the terms “discipline” and “complaints of racial harassment” are vague, ambiguous, uncertain, and unintelligible. It is overly broad, burdensome, and oppressive. Defendant further objects to the extent this category of examination seeks information protected by the attorney-client privilege and/or attorney work product doctrine. Further, the matter is not limited in time, scope, or geographic location. The subject matter is not relevant as to the claims asserted against Defendant. Finally, the subject matter seeks testimony in violation of the privacy rights of third parties as guaranteed by the California and United States Constitutions. Defendant will not produce a witness on this matter on the basis of the foregoing objections.

**SUBJECT MATTER NO. 36:**

Any complaints of racial harassment that YOU received involving Javier Caballero.

**RESPONSE TO SUBJECT MATTER NO. 36:**

Defendant objects to this matter for examination as the term “complaints of racial harassment” is vague, ambiguous, uncertain, and unintelligible. It is overly broad, burdensome, and oppressive. Defendant further objects to the extent this category of examination seeks

1 information protected by the attorney-client privilege and/or attorney work product doctrine.  
2 Further, the matter is not limited in time, scope, or geographic location. The subject matter is not  
3 relevant as to the claims asserted against Defendant. Finally, the subject matter seeks testimony in  
4 violation of the privacy rights of third parties as guaranteed by the California and United States  
5 Constitutions. Defendant will not produce a witness on this matter on the basis of the foregoing  
6 objections.

7 **SUBJECT MATTER NO. 37:**

8 Any discipline issued to Javier Caballero as a result of any complaints of racial harassment  
9 that YOU received.

10 **RESPONSE TO SUBJECT MATTER NO. 37:**

11 Defendant objects to this matter for examination as the terms “discipline” and “complaints  
12 racial harassment” are vague, ambiguous, uncertain, and unintelligible. It is overly broad,  
13 burdensome, and oppressive. Defendant further objects to the extent this category of examination  
14 seeks information protected by the attorney-client privilege and/or attorney work product doctrine.  
15 Further, the matter is not limited in time, scope, or geographic location. The subject matter is not  
16 relevant as to the claims asserted against Defendant. Finally, the subject matter seeks testimony in  
17 violation of the privacy rights of third parties as guaranteed by the California and United States  
18 Constitutions. Defendant will not produce a witness on this matter on the basis of the foregoing  
19 objections.

20 **SUBJECT MATTER NO. 38:**

21 Any complaints of racial harassment that YOU received involving Judy Timbreza.

22 **RESPONSE TO SUBJECT MATTER NO. 38:**

23 Defendant objects to this matter for examination as the term “complaints of racial  
24 harassment” is vague, ambiguous, uncertain, and unintelligible. It is overly broad, burdensome,  
25 and oppressive. Defendant further objects to the extent this category of examination seeks  
26 information protected by the attorney-client privilege and/or attorney work product doctrine.  
27 Further, the matter is not limited in time, scope, or geographic location. The subject matter is not  
28 relevant as to the claims asserted against Defendant. Finally, the subject matter seeks testimony in



violation of the privacy rights of third parties as guaranteed by the California and United States Constitutions. Subject to and without waiving the foregoing objections, Defendant is unable to produce a person most knowledgeable on this matter, as Defendant is not aware of complaints of racial harassment involving Judy Timbreza and Mr. Timbreza was not Defendant's employee.

**SUBJECT MATTER NO. 39:**

Any discipline issued to Judy Timbreza as a result of any complaints of racial harassment YOU received.

**RESPONSE TO SUBJECT MATTER NO. 39:**

Defendant objects to this matter for examination as the terms "discipline" and "complaints of racial harassment" are vague, ambiguous, uncertain, and unintelligible. It is overly broad, burdensome, and oppressive. Defendant further objects to the extent this category of examination seeks information protected by the attorney-client privilege and/or attorney work product doctrine. Further, the matter is not limited in time, scope, or geographic location. The subject matter is not relevant as to the claims asserted against Defendant. Finally, the subject matter seeks testimony in violation of the privacy rights of third parties as guaranteed by the California and United States Constitutions. Subject to and without waiving the foregoing objections, Defendant is unable to produce a person most knowledgeable on this matter, as Defendant is not aware of complaints of racial harassment involving Judy Timbreza and Mr. Timbreza was not Defendant's employee.

**SUBJECT MATTER NO. 40:**

Any complaints of racial harassment that YOU received involving Robert Hidalgo.

**RESPONSE TO SUBJECT MATTER NO. 40:**

Defendant objects to this matter for examination as the term "complaints of racial harassment" is vague, ambiguous, uncertain, and unintelligible. It is overly broad, burdensome, and oppressive. Defendant further objects to the extent this category of examination seeks information protected by the attorney-client privilege and/or attorney work product doctrine. Further, the matter is not limited in time, scope, or geographic location. The subject matter is not relevant as to the claims asserted against Defendant. Finally, the subject matter seeks testimony in violation of the privacy rights of third parties as guaranteed by the California and United States

1 Constitutions. Defendant will not produce a witness on this matter on the basis of the foregoing  
2 objections.

3 **SUBJECT MATTER NO. 41:**

4 Any discipline issued to Robert Hidalgo as a result of any complaints of racial harassment  
5 YOU received.

6 **RESPONSE TO SUBJECT MATTER NO. 41:**

7 Defendant objects to this matter for examination as the terms “discipline” and “complaints  
8 of racial harassment” are vague, ambiguous, uncertain, and unintelligible. It is overly broad,  
9 burdensome, and oppressive. Defendant further objects to the extent this category of examination  
10 seeks information protected by the attorney-client privilege and/or attorney work product doctrine.  
11 Further, the matter is not limited in time, scope, or geographic location. The subject matter is not  
12 relevant as to the claims asserted against Defendant. Finally, the subject matter seeks testimony in  
13 violation of the privacy rights of third parties as guaranteed by the California and United States  
14 Constitutions. Defendant will not produce a witness on this matter on the basis of the foregoing  
15 objections.

16 **SUBJECT MATTER NO. 42:**

17 Any complaints of racial harassment that YOU received from Michael Wheeler.

18 **RESPONSE TO SUBJECT MATTER NO. 42:**

19 Defendant objects to this matter for examination as the term “complaints of racial  
20 harassment” is vague, ambiguous, uncertain, and unintelligible. It is overly broad, burdensome,  
21 and oppressive. Defendant further objects to the extent this category of examination seeks  
22 information protected by the attorney-client privilege and/or attorney work product doctrine.  
23 Further, the matter is not limited in time, scope, or geographic location. The subject matter is not  
24 relevant as to the claims asserted against Defendant. Finally, the subject matter seeks testimony in  
25 violation of the privacy rights of third parties as guaranteed by the California and United States  
26 Constitutions. Defendant will not produce a witness on this matter on the basis of the foregoing  
27 objections.



**SUBJECT MATTER NO. 43:**

Any discipline issued to Michael Wheeler following his complaints of racial harassment.

**RESPONSE TO SUBJECT MATTER NO. 43:**

Defendant objects to this matter for examination as the terms “discipline” and “complaints of racial harassment” are vague, ambiguous, uncertain, and unintelligible. It is overly broad, burdensome, and oppressive. Defendant further objects to the extent this category of examination seeks information protected by the attorney-client privilege and/or attorney work product doctrine. Further, the matter is not limited in time, scope, or geographic location. The subject matter is not relevant as to the claims asserted against Defendant. Finally, the subject matter seeks testimony regarding in violation of the privacy rights of third parties as guaranteed by the California and United States Constitutions. Defendant will not produce a witness on this matter on the basis of the foregoing objections.

**SUBJECT MATTER NO. 44:**

Any discipline issued to other employees as a result of any complaints of racial harassment from Michael Wheeler.

**RESPONSE TO SUBJECT MATTER NO. 44:**

Defendant objects to this matter for examination as the terms “discipline” and “complaints of racial harassment” are vague, ambiguous, uncertain, and unintelligible. It is overly broad, burdensome, and oppressive. Defendant further objects to the extent this category of examination seeks information protected by the attorney-client privilege and/or attorney work product doctrine. Further, the matter is not limited in time, scope, or geographic location. The subject matter is not relevant as to the claims asserted against Defendant. Finally, the subject matter seeks testimony in violation of the privacy rights of third parties as guaranteed by the California and United States Constitutions. Defendant will not produce a witness on this matter on the basis of the foregoing objections.

**SUBJECT MATTER NO. 45:**

The reason Demetric Di-az’s employment at the TESLA FACTORY was terminated.

**RESPONSE TO SUBJECT MATTER NO. 45:**

Defendant objects to this matter for examination as the terms “employment” and “terminated” are vague, ambiguous and uncertain. Defendant objects to this matter on the grounds that it seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because Demetric Di-az was not an employee of Defendant. Subject to and without waiving the foregoing objections, Defendant is unable to produce a person most knowledgeable on this matter, as Defendant is not aware of the reason’s Demetric Di-Az’s assignment at the Tesla factory in Fremont, California, ended.

**SUBJECT MATTER NO. 46:**

The reason Owen Diaz’s employment at the TESLA FACTORY ended.

**RESPONSE TO SUBJECT MATTER NO. 46:**

Defendant objects to this matter for examination as the term “employment” is vague, ambiguous and uncertain. Defendant objects to this matter on the grounds that it seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because Plaintiff Owen Diaz was not an employee of Defendant. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable concerning the end of Plaintiff Owen Diaz’s assignment at the Tesla factory in Fremont, California, to the extent that information was made available to Defendant.

**SUBJECT MATTER NO. 47:**

Any race harassment complaints or concerns made against Javier Caballero by Plaintiff Demetric Di-Az, and received by YOU.

**RESPONSE TO SUBJECT MATTER NO. 47:**

Defendant objects to this matter for examination as the term “race harassment” and “complaints or concerns” are vague, ambiguous and uncertain. . Defendant objects to this matter on the grounds that it seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because Plaintiff Demetric Di-az was not an employee of Defendant. Finally, the subject matter seeks testimony in violation of the privacy rights of third parties as guaranteed by the California and United States Constitutions. Subject to and without

1 waiving the foregoing objections, Defendant is unable to produce a person most knowledgeable  
2 on this matter, as Defendant is not aware of complaints of race harassment by Plaintiff Demetric  
3 Di-Az against Javier Caballero.

4 **SUBJECT MATTER NO. 48:**

5 Any discipline issued to Javier Caballero as a result of Plaintiff Demetric Di-Az's  
6 complaint of race harassment.

7 **RESPONSE TO SUBJECT MATTER NO. 48:**

8 Defendant objects to this matter for examination as the term "discipline" and "complaints  
9 race harassment" is vague, ambiguous and uncertain. . Defendant objects to this matter on the  
10 grounds that it seeks information not relevant to claims or defenses and/or proportional to the needs  
11 of the case; particularly because Plaintiff Demetric Di-Az was not an employee of Defendant.  
12 Finally, the subject matter seeks testimony in violation of the privacy rights of third parties as  
13 guaranteed by the California and United States Constitutions. Subject to and without waiving the  
14 foregoing objections, Defendant is unable to produce a person most knowledgeable on this matter,  
15 as Defendant is not aware of complaints of race harassment by Plaintiff Demetric Di-Az against  
16 Javier Caballero.

17 **SUBJECT MATTER NO. 49:**

18 YOUR policies, practices and procedures for promoting employees.

19 **RESPONSE TO SUBJECT MATTER NO. 49:**

20 Defendant objects to this matter for examination as the terms "policies," "practices,"  
21 "procedures" and "promoting" are vague, ambiguous and uncertain. Defendant objects to this  
22 matter on the grounds that it is overbroad and seeks information not relevant to claims or defenses  
23 and/or proportional to the needs of the case; particularly because neither Plaintiffs nor other  
24 contractors placed at the Tesla factory in Fremont, California, were Defendant's employees and,  
25 as such, its policies, practices, and procedures for promoting employees would be inapplicable to  
26 them. Further, the matter is not limited in time, scope, or geographic location. Defendant will not  
27 produce a witness on this matter on the basis of the foregoing objections.

**SUBJECT MATTER NO. 50:**

Any salary, hourly wage, bonus, other remuneration and all fringe benefits PLAINTIFFS received during their employment with YOU, and to which PLAINTIFFS would have been entitled and/or eligible had PLAINTIFFS' employment with YOU continued.

**RESPONSE TO SUBJECT MATTER NO. 50:**

Defendant objects to this matter for examination as the term "salary," "hourly wage," "bonus," "other remuneration," and "fringe benefits" is vague, ambiguous and uncertain. Defendant objects to this matter on the grounds that it seeks information not relevant to claims or defenses and/or proportional to the needs of the case; particularly because Plaintiffs were not Defendant's employees and not entitled to any such benefits. Defendant will not produce a witness on this matter on the basis of the foregoing objections.

**SUBJECT MATTER NO. 51:**

The most senior employee of DEFENDANT as to proper procedures for performing a race harassment investigation at Tesla, Inc.'s Fremont location from 2014 through 2016.

**RESPONSE TO SUBJECT MATTER NO. 51:**

Defendant objects to this matter for examination as the terms "most senior," "proper procedures," "performing," and "race harassment investigation" is vague, ambiguous and uncertain. Further, Defendant objects to this matter for examination on the grounds that it is not a proper topic for examination. Defendant will not produce a witness on this matter on the basis of the foregoing objections.

**SUBJECT MATTER NO. 52:**

What was done with the evidence gathered during the investigation of PLAINTIFFS' claims of race harassment.

**RESPONSE TO SUBJECT MATTER NO. 52:**

Defendant objects to this matter for examination as the terms "evidence," "investigation," and "PLAINTIFF'S claims of race harassment" are vague, ambiguous and uncertain. Subject to and without waiving the foregoing objections, Defendant will produce its person most knowledgeable concerning information it received about the complaint made by Plaintiff Owen

1 Diaz of race harassment at the Tesla factory in Fremont, California.

2 **SUBJECT MATTER NO. 53:**

3 How much money YOU spent each year from 2010 to the present in connection with  
4 training YOUR employees at the FREMONT FACTORY on YOUR race harassment policies,  
5 practices and procedures.

6 **RESPONSE TO SUBJECT MATTER NO. 53:**

7 Defendant objects to this matter for examination as the terms “training” and “race  
8 harassment policies, practices and procedures” are vague, ambiguous and uncertain. Defendant  
9 objects to this matter on the grounds that it is overbroad and seeks information not relevant to  
10 claims or defenses and/or proportional to the needs of the case; particularly because this matter  
11 seeks examination about matters during periods of times that Plaintiffs did not work at the Tesla  
12 factory, in Fremont, California, and as neither Plaintiffs nor other contractors placed at the Tesla  
13 factory in Fremont, California, were Defendant’s employees. Defendant further objects to this  
14 matter for examination on the grounds that it seeks confidential and proprietary business  
15 information, in violation of Defendant’s right to financial privacy. Defendant will not produce a  
16 witness on this matter on the basis of these objections.

17 **SUBJECT MATTER NO. 54:**

18 How much money YOU spent each year from 2010 to the present in connection with  
19 training YOUR employees at the FREMONT FACTORY on YOUR race discrimination policies,  
20 practices and procedures.

21 **RESPONSE TO SUBJECT MATTER NO. 54:**

22 Defendant objects to this matter for examination as the terms “training” and “race  
23 harassment policies, practices and procedures” are vague, ambiguous and uncertain. Defendant  
24 objects to this matter on the grounds that it is overbroad and seeks information not relevant to  
25 claims or defenses and/or proportional to the needs of the case; particularly because this matter  
26 seeks examination about matters during periods of times that Plaintiffs did not work at the Tesla  
27 factory, in Fremont, California, and as neither Plaintiffs nor other contractors placed at the Tesla  
28 factory in Fremont, California, were Defendant’s employees. Defendant further objects to this

1 matter for examination on the grounds that it seeks confidential and proprietary business  
 2 information, in violation of Defendant's right to financial privacy. Defendant will not produce a  
 3 witness on this matter on the basis of these objections.

4 **SUBJECT MATTER NO. 55:**

5 How much money YOU spent each year from 2010 to the present in connection with  
 6 training YOUR employees at the FREMONT FACTORY on YOU assault/battery policies,  
 7 practices and procedures.

8 **RESPONSE TO SUBJECT MATTER NO. 55:**

9 Defendant objects to this matter for examination as the terms "training" and "race  
 10 assault/battery policies, practices and procedures" are vague, ambiguous and uncertain. Defendant  
 11 objects to this matter on the grounds that it is overbroad and seeks information not relevant to  
 12 claims or defenses and/or proportional to the needs of the case; particularly because this matter  
 13 seeks examination about matters during periods of times that Plaintiffs did not work at the Tesla  
 14 factory, in Fremont, California, and as neither Plaintiffs nor other contractors placed at the Tesla  
 15 factory in Fremont, California, were Defendant's employees. Defendant further objects to this  
 16 matter for examination on the grounds that it seeks confidential and proprietary business  
 17 information, in violation of Defendant's right to financial privacy. Defendant will not produce a  
 18 witness on this matter on the basis of these objections.

19 **SUBJECT MATTER NO. 56:**

20 How much time YOU spent investigating PLAINTIFF's allegations against Ramon  
 21 Martinez.

22 **RESPONSE TO SUBJECT MATTER NO. 56:**

23 Defendant objects to this matter for examination as the term "allegations" is vague,  
 24 ambiguous and uncertain. Defendant objects to this matter on the grounds that it is overbroad and  
 25 seeks information not relevant to claims or defenses and/or proportional to the needs of the case;  
 26 particularly because Ramon Martinez was not an employee of Defendant. Subject to and without  
 27 waiving the foregoing objections, Defendant is unable to produce a person most knowledgeable  
 28 on this matter, as time reviewing Plaintiff Owen Diaz's allegations against Ramon Martinez was



1 not tracked.

2 **SUBJECT MATTER NO. 57:**

3 How much money YOU spent to train Ramon Martinez on YOUR race harassment  
4 policies, practices and procedures.

5 **RESPONSE TO SUBJECT MATTER NO. 57:**

6 Defendant objects to this matter for examination as the term “race harassment policies,  
7 practices and procedures” is vague, ambiguous and uncertain. Defendant objects to this matter on  
8 the grounds that it seeks information not relevant to claims or defenses and/or proportional to the  
9 needs of the case; particularly because Ramon Martinez was not an employee of Defendant.  
10 Defendant further objects to this matter for examination on the grounds that it seeks confidential  
11 and proprietary business information, in violation of Defendant’s right to financial privacy. .  
12 Subject to and without waiving the foregoing objections, Defendant is unable to produce a person  
13 most knowledgeable on this matter, as Ramon Martinez was not an employee of Defendant.

14 **SUBJECT MATTER NO. 58:**

15 How much money YOU spent to train Ramon Martinez on YOUR race discrimination  
16 policies, practices and procedures.

17 **RESPONSE TO SUBJECT MATTER NO. 58:**

18 Defendant objects to this matter for examination as the term “train” and “race  
19 discrimination policies, practices and procedures” is vague, ambiguous and uncertain. Defendant  
20 objects to this matter on the grounds that it seeks information not relevant to claims or defenses  
21 and/or proportional to the needs of the case; particularly because Ramon Martinez was not an  
22 employee of Defendant. Defendant further objects to this matter for examination on the grounds  
23 that it seeks confidential and proprietary business information, in violation of Defendant’s right to  
24 financial privacy. . Subject to and without waiving the foregoing objections, Defendant is unable  
25 to produce a person most knowledgeable on this matter, as Ramon Martinez was not an employee  
26 of Defendant.

27 **SUBJECT MATTER NO. 59:**

28 How much money YOU spent to train Ramon Martinez on YOUR assault/battery policies,

1 practices and procedures.

2 **RESPONSE TO SUBJECT MATTER NO. 59:**

3 Defendant objects to this matter for examination as the term “train” and “assault/battery  
4 policies, practices and procedures” is vague, ambiguous and uncertain. Defendant objects to this  
5 matter on the grounds that it seeks information not relevant to claims or defenses and/or  
6 proportional to the needs of the case; particularly because Ramon Martinez was not an employee  
7 of Defendant. Defendant further objects to this matter for examination on the grounds that it seeks  
8 confidential and proprietary business information, in violation of Defendant’s right to financial  
9 privacy. . Subject to and without waiving the foregoing objections, Defendant is unable to produce  
10 a person most knowledgeable on this matter, as Ramon Martinez was not an employee of  
11 Defendant.

12 **SUBJECT MATTER NO. 60:**

13 Information RELATED to which PERSONS or entities, including third-party entities, that  
14 participated in any manner (including preparing, reviewing, revising or authorizing training  
15 materials and literature, training guides, web-based training services, or any other involvement  
16 with any such training) in training employees on YOUR race harassment, race discrimination and  
17 assault/battery policies, procedures and practices.

18 **RESPONSE TO SUBJECT MATTER NO. 60:**

19 Defendant objects to this matter for examination as the terms “Information RELATED to  
20 which PERSONS,” “third-party entities,” “participated,” “training,” “race harassment, race  
21 discrimination, and assault/battery policies, procedures and practices” are vague, ambiguous, and  
22 uncertain. It is overly broad, burdensome, and oppressive. Defendant further objects to the extent  
23 this category of examination seeks information protected by the attorney-client privilege and/or  
24 attorney work product doctrine. Defendant objects to this matter on the grounds that it is overbroad,  
25 without limitation in scope or time, and seeks information not relevant to claims or defenses and/or  
26 proportional to the needs of the case; particularly because this matter seeks examination on policies  
27 and procedures in effect during periods of times that Plaintiffs did not work at the Tesla factory,  
28 in Fremont, California, and as neither Plaintiffs nor other contractors placed at the Tesla factory in



1 Fremont, California, were Defendant's employees and, as such, its policies and procedures would  
 2 be inapplicable to them. Defendant will not produce a witness on this matter on the basis of these  
 3 objections.

4 **SUBJECT MATTER NO. 61:**

5 Identify the average length of employment of a Production Associate (whether direct hires  
 6 or through contracting agencies) at the TESLA FACTORY.

7 **RESPONSE TO SUBJECT MATTER NO. 61:**

8 Defendant objects to this Matter on the ground that the terms "average length of  
 9 employment" and "Production Associate" is vague and ambiguous. The Matter is not limited in  
 10 time and scope and is compound. Defendant objects to this matter on the grounds that it is  
 11 overbroad and seeks information not relevant to claims or defenses and/or proportional to the needs  
 12 of the case; particularly because neither Plaintiffs nor other contractors placed at the Tesla factory  
 13 in Fremont, California, were Defendant's employees and because Plaintiff Owen Diaz, who, as  
 14 Defendant understands, is the only plaintiff asserting claims against Defendant, worked there as  
 15 an elevator operator. Defendant will not produce a witness on this matter on the basis of these  
 16 objections.

17 **SUBJECT MATTER NO. 62:**

18 How much money YOU have spent each year from 2010 to the present on stopping the use  
 19 of "nigger" and/or "nigga" at the FREMONT FACTORY.

20 **RESPONSE TO SUBJECT MATTER NO. 62:**

21 Defendant objects to this Matter on the ground that the terms "stopping the use" is vague  
 22 and ambiguous. Defendant objects to this matter on the grounds that it is overbroad and seeks  
 23 information not relevant to claims or defenses and/or proportional to the needs of the case;  
 24 particularly because this matter seeks examination on matters during periods of times that Plaintiffs  
 25 did not work at the Tesla factory, in Fremont, California, and as neither Plaintiffs nor other  
 26 contractors placed at the Tesla factory in Fremont, California, were Defendant's employees.  
 27 Further, Defendant did not own, operate, or control the Tesla factory in Fremont, California.  
 28 Defendant further objects to this matter for examination on the grounds that it seeks confidential

1 and proprietary business information, in violation of Defendant's right to financial privacy.  
 2 Defendant will not produce a witness on this matter on the basis of these objections.

3 **SUBJECT MATTER NO. 63:**

4 What steps YOU have taken to prevent the use of "nigger" and/or "nigga" at the  
 5 FREMONT FACTORY.

6 **RESPONSE TO SUBJECT MATTER NO. 63:**

7 Defendant objects to this Matter on the ground that the term "steps" is vague and  
 8 ambiguous. Defendant objects to this matter on the grounds that it is overbroad, without limitation  
 9 in time, and seeks information not relevant to claims or defenses and/or proportional to the needs  
 10 of the case; particularly because Defendant did not own, operate, or control the Tesla factory in  
 11 Fremont, California. Subject to and without waiving the foregoing objections, Defendant will  
 12 produce its person most knowledgeable concerning the policies and procedures against harassment  
 13 and discrimination applicable to its employees in effect during the relevant time period.

14 **SUBJECT MATTER NO. 64:**

15 The total amount of money YOU have spent training employees at the FREMONT  
 16 FACTORY on issues relating to race harassment and/or discrimination in each of the years  
 17 between 2010 and present.

18 **RESPONSE TO SUBJECT MATTER NO. 64:**

19 Defendant objects to this Matter on the ground that the terms "training," and "race  
 20 harassment and/or discrimination" are vague and ambiguous. Defendant objects to this matter on  
 21 the grounds that it is overbroad and seeks information not relevant to claims or defenses and/or  
 22 proportional to the needs of the case; particularly because this matter seeks examination on matters  
 23 during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont, California,  
 24 and as neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California,  
 25 were Defendant's employees. Further, Defendant did not own, operate, or control the Tesla factory  
 26 in Fremont, California. Defendant further objects to this matter for examination on the grounds  
 27 that it seeks confidential and proprietary business information, in violation of Defendant's right to  
 28 financial privacy. Defendant will not produce a witness on this matter on the basis of these

1 objections.

2 **SUBJECT MATTER NO. 65:**

3 The amount of money YOU spend on average per year per employee training employees  
4 at the FREMONT FACTORY on issues relating to race harassment and/or discrimination for each  
5 of the years between 2010 and present.

6 **RESPONSE TO SUBJECT MATTER NO. 65:**

7 Defendant objects to this Matter on the ground that the terms “training,” and “race  
8 harassment and/or discrimination” are vague and ambiguous. Defendant objects to this matter on  
9 the grounds that it is overbroad and seeks information not relevant to claims or defenses and/or  
10 proportional to the needs of the case; particularly because this matter seeks examination on matters  
11 during periods of times that Plaintiffs did not work at the Tesla factory, in Fremont, California,  
12 and as neither Plaintiffs nor other contractors placed at the Tesla factory in Fremont, California,  
13 were Defendant’s employees. Further, Defendant did not own, operate, or control the Tesla factory  
14 in Fremont, California. Defendant further objects to this matter for examination on the grounds  
15 that it seeks confidential and proprietary business information, in violation of Defendant’s right to  
16 financial privacy. Defendant will not produce a witness on this matter on the basis of these  
17 objections.

18 **SUBJECT MATTER NO. 66:**

19 The total amount of time each year that YOU require supervisors and/or leads at the  
20 FREMONT FACTORY to spend training on issues relating to race harassment and/or  
21 discrimination for each of the years between 2010 and present.

22 **RESPONSE TO SUBJECT MATTER NO. 66:**

23 Defendant objects to this Matter on the ground that the terms “supervisors and/or leads,”  
24 “training,” and “race harassment and/or discrimination” are vague and ambiguous. Defendant  
25 objects to this matter on the grounds that it is overbroad and seeks information not relevant to  
26 claims or defenses and/or proportional to the needs of the case; particularly because this matter  
27 seeks examination on matters during periods of times that Plaintiffs did not work at the Tesla  
28 factory, in Fremont, California, and as neither Plaintiffs nor other contractors placed at the Tesla

1 factory in Fremont, California, were Defendant's employees and as such were not supervised by  
2 Defendant's employees. Subject to and without waiving the foregoing objections, Defendant will  
3 produce its person most knowledgeable concerning its expectation of time spent training by its  
4 employees during the relevant time period.

5 **SUBJECT MATTER NO. 67:**

6 Discipline of employees who have violated YOUR race harassment and/or discrimination  
7 policies.

8 **RESPONSE TO SUBJECT MATTER NO. 67:**

9 Defendant objects to this Matter on the ground that the terms "discipline," and "race  
10 harassment and/or discrimination policies" are vague and ambiguous. Defendant objects to this  
11 matter on the grounds that it is overbroad and seeks information not relevant to claims or defenses  
12 and/or proportional to the needs of the case; particularly because neither Plaintiffs nor other  
13 contractors placed at the Tesla factory in Fremont, California, were Defendant's employees and,  
14 as such, its policies would be inapplicable to them. Finally, the subject matter seeks testimony in  
15 violation of the privacy rights of third parties as guaranteed by the California and United States  
16 Constitutions. Defendant will not produce a witness on this matter on the basis of these objections.

17 **SUBJECT MATTER NO. 68:**

18 YOUR current financial condition.

19 **RESPONSE TO SUBJECT MATTER NO. 68:**

20 Defendant objects to this Matter on the ground that the terms "current financial condition"  
21 are vague and ambiguous. Defendant further objects to this matter for examination on the grounds  
22 that it seeks confidential and proprietary business and financial information, in violation of  
23 Defendant's right to financial privacy. Defendant will not produce a witness on this matter on the  
24 basis of these objections.

25 ///

26 ///

27 ///

28 ///

**II. OBJECTIONS TO THE REQUEST FOR PRODUCTION OF DOCUMENTS**

**REQUEST FOR PRODUCTION NO. 1:**

Any and all DOCUMENTS reviewed by the deponent in preparation for their deposition.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

Objection. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.

**REQUEST FOR PRODUCTION NO. 2:**

Please produce all DOCUMENTS, including (though not limited to) text messages, e-mails, notes, and memoranda, which RELATE to, refer to, or discuss Plaintiff Owen Diaz.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous. Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party's claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that "RELATE to, refer to or discuss Plaintiff Demetric Di-az." Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it seeks the production of documents that are equally available to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to Defendant.

**REQUEST FOR PRODUCTION NO. 3:**

Please produce all DOCUMENTS, including (though not limited to) text messages, e-mails, notes, and memoranda, which RELATE to, refer to, or discuss Plaintiff Demetric Di-az.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous. Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party's claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that "RELATE TO, reflect, refer or discuss Plaintiff Demetric Di-az." Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it seeks the production of documents that are equally available to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to Defendant.

**REQUEST FOR PRODUCTION NO. 4:**

Please produce all DOCUMENTS, including (though not limited to) text messages, e-mails, notes, and memoranda which RELATE to, refer to, or discuss Plaintiff Owen Diaz's job performance during his employment at the TESLA FACTORY. This includes, though is not limited to, performance reviews, written warnings, verbal warnings, demotions, suspensions, and terminations.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase "Plaintiff Owen Diaz's job performance during his employment at the TESLA FACTORY." Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party's claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that



“RELATE to, reflect, refer to, or discuss Plaintiff Owen Diaz’s job performance.” Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it seeks the production of documents that are equally available to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to Defendant.

**REQUEST FOR PRODUCTION NO. 5:**

Please produce all DOCUMENTS, including (though not limited to) text messages, e-mails, notes, and memoranda which RELATE to, refer to, or discuss Plaintiff Demetric Di-az’s job performance during his employment at the TESLA FACTORY. This includes though is not limited to, performance reviews, written warnings, verbal warnings, demotions, suspensions, and terminations.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “Plaintiff Demetric Di-az’s job performance during his employment at the TESLA FACTORY.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to, refer to, or discuss Plaintiff Demetric Diaz’s job performance.” Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.

Defendant objects to this request to the extent it seeks the production of documents that are equally available to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to Defendant. Discovery is continuing, and Defendant reserves its right to supplement its response to this request.

**REQUEST FOR PRODUCTION NO. 6:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails, notes, and memoranda which RELATE to any discussions about terminating Plaintiff Owen Diaz's employment at the TESLA FACTORY.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase "discussions about terminating Plaintiff Owen Diaz's employment at the TESLA FACTORY." Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party's claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that "RELATE to any discussions about terminating Plaintiff Owen Diaz's employment at the TESLA FACTORY." Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it seeks the production of documents that are equally available to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to Defendant.

**REQUEST FOR PRODUCTION NO. 7:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any complaints about Plaintiff



Owen Diaz's "poor attitude" during his employment at the TESLA FACTORY.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase "Plaintiff Owen Diaz's 'poor attitude' during his employment at the TESLA FACTORY." Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party's claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that "RELATE to any complaints about Plaintiff Owen Diaz's "poor attitude" during his employment at the TESLA FACTORY." Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it seeks the production of documents that are equally available to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to Defendant.

**REQUEST FOR PRODUCTION NO. 8:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Wayne Jackson regarding Plaintiff Owen Diaz.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase "any communications sent or received by Wayne Jackson regarding Plaintiff Owen Diaz." Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party's claims or defenses or that are not proportional to the needs of this case,

1 especially given that this request seeks the production of all documents, without limitation, that  
2 “RELATE to any communications sent or received by Wayne Jackson regarding Plaintiff Owen  
3 Diaz.” Defendant objects to this request to the extent it seeks the production of electronically stored  
4 information (including, but not limited to emails, texts and meta-data) as burdensome, costly and  
5 oppressive in the context of and in proportion to the claims in this action. Defendant also objects  
6 to this request to the extent that it seeks documents protected by the attorney-client privilege, the  
7 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.  
8 Defendant objects to this request to the extent it seeks the production of documents that are equally  
9 available to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an  
10 employee of Defendant and this request is therefore inapplicable to Defendant.

11 **REQUEST FOR PRODUCTION NO. 9:**

12 Please produce all DOCUMENTS, including (though not limited to) text messages, emails  
13 notes, and memoranda which reflect, evidence, or RELATE to any communications sent or  
14 received by Wayne Jackson regarding complaints of racial harassment at the TESLA FACTORY.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

16 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,  
17 vague and ambiguous, including, but not limited to, its use of the phrase “any communications  
18 sent or received by Wayne Jackson regarding complaints of racial harassment at the TESLA  
19 FACTORY.” Defendant further objects to this request as burdensome, oppressive and harassing  
20 to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not  
21 proportional to the needs of this case, especially given that this request seeks the production of all  
22 documents, without limitation, that “RELATE to any communications sent or received by Wayne  
23 Jackson regarding complaints of racial harassment at the TESLA FACTORY.” The request  
24 impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case.  
25 Defendant objects to this request to the extent it seeks the production of electronically stored  
26 information (including, but not limited to emails, texts and meta-data) as burdensome, costly and  
27 oppressive in the context of and in proportion to the claims in this action. Defendant also objects  
28 to this request to the extent that it seeks documents protected by the attorney-client privilege, the

attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 10:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Wayne Jackson regarding complaints of racial discrimination at the TESLA FACTORY.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any communications sent or received by Wayne Jackson regarding complaints of racial discrimination.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any communications sent or received by Wayne Jackson regarding complaints of racial discrimination at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 11:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails

notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Wayne Jackson regarding complaints of retaliation at the TESLA FACTORY.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any communications sent or received by Wayne Jackson regarding complaints of retaliation.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any communications sent or received by Wayne Jackson regarding complaints of retaliation at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 12:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Wayne Jackson regarding the use of racial slurs, including (though not limited to) “nigga,” “nigger,” and “ninga,” at the TESLA FACTORY.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any communications sent or received by Wayne Jackson regarding the use of racial slurs, including (though not limited

1 to) ‘nigga,’ ‘nigger,’ and ‘ninga’.” Defendant further objects to this request as burdensome,  
 2 oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims  
 3 or defenses or that are not proportional to the needs of this case, especially given that this request  
 4 seeks the production of all documents, without limitation, that “RELATE to any communications  
 5 sent or received by Wayne Jackson regarding the use of racial slurs, including (though not limited  
 6 to) ‘nigga,’ ‘nigger,’ and ‘ninga,’ at the TESLA FACTORY.” The request impermissibly seeks  
 7 “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to  
 8 this request to the extent it seeks the production of electronically stored information (including,  
 9 but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context  
 10 of and in proportion to the claims in this action. Defendant also objects to this request to the extent  
 11 that it seeks documents protected by the attorney-client privilege, the attorney work product  
 12 doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to  
 13 this request to the extent it calls for documents that are protected from disclosure by third party  
 14 privacy rights under the Federal and California constitutions and applicable statutes.

15 **REQUEST FOR PRODUCTION NO. 13:**

16 Please produce all DOCUMENTS, including (though not limited to) text messages, emails  
 17 notes, and memoranda which reflect, evidence, or RELATE to any communications sent or  
 18 received by Wayne Jackson regarding any complaints of racist graffiti in the restrooms at the  
 19 TESLA FACTORY from 2010 to the present. (For the purposes of responding to this interrogatory,  
 20 the phrase “racist graffiti” includes, though is not limited to, stylized, “golliwog”-, “pickaninny”-  
 21 , or “sambo”-type depictions of African-American individuals; nooses; swastikas; the phrase  
 22 “white power”; references slavery or slave labor; and racial slurs, including, though not limited to,  
 23 “nigger,” “nigga,” and “ninga.”)

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

25 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,  
 26 vague and ambiguous, including, but not limited to, its use of the phrase “any communications  
 27 sent or received by Wayne Jackson regarding any complaints of racist graffiti in the restrooms at  
 28 the TESLA FACTORY from 2010 to the present.” Defendant further objects to this request as



1 burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any  
 2 party's claims or defenses or that are not proportional to the needs of this case, especially given  
 3 that this request seeks the production of all documents, without limitation, that "RELATE to any  
 4 communications sent or received by Wayne Jackson regarding complaints of retaliation at the  
 5 TESLA FACTORY." The request impermissibly seeks "me too" evidence that is not relevant to  
 6 the claims and defenses in this case. Defendant objects to this request to the extent it seeks the  
 7 production of electronically stored information (including, but not limited to emails, texts and  
 8 meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims  
 9 in this action. Defendant also objects to this request to the extent that it seeks documents protected  
 10 by the attorney-client privilege, the attorney work product doctrine and/or other privileges,  
 11 protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for  
 12 documents that are protected from disclosure by third party privacy rights under the Federal and  
 13 California constitutions and applicable statutes.

14 **REQUEST FOR PRODUCTION NO. 14:**

15 Please produce all DOCUMENTS, including (though not limited to) text messages, emails  
 16 notes, and memoranda which reflect, evidence, or RELATE to any communications sent or  
 17 received by Terri Garrett regarding Plaintiff Owen Diaz.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

19 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,  
 20 vague and ambiguous, including, but not limited to, its use of the phrase "any communications  
 21 sent or received by Terri Garrett regarding Plaintiff Owen Diaz." Defendant further objects to this  
 22 request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant  
 23 to any party's claims or defenses or that are not proportional to the needs of this case, especially  
 24 given that this request seeks the production of all documents, without limitation, that "RELATE  
 25 to any communications sent or received by Terri Garrett regarding Plaintiff Owen Diaz."  
 26 Defendant objects to this request to the extent it seeks the production of electronically stored  
 27 information (including, but not limited to emails, texts and meta-data) as burdensome, costly and  
 28 oppressive in the context of and in proportion to the claims in this action. Defendant also objects



1 to this request to the extent that it seeks documents protected by the attorney-client privilege, the  
2 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.  
3 Defendant objects to this request to the extent it seeks the production of documents that are equally  
4 available to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an  
5 employee of Defendant and this request is therefore inapplicable to Defendant.

6 **REQUEST FOR PRODUCTION NO. 15:**

7 Please produce all DOCUMENTS, including (though not limited to) text messages, emails  
8 notes, and memoranda which reflect, evidence, or RELATE to any communications sent or  
9 received by Terri Garrett regarding complaints of racial harassment at the TESLA FACTORY.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

11 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,  
12 vague and ambiguous, including, but not limited to, its use of the phrase “any communications  
13 sent or received by Terri Garrett regarding complaints of racial harassment.” Defendant further  
14 objects to this request as burdensome, oppressive and harassing to the extent that it seeks  
15 documents not relevant to any party’s claims or defenses or that are not proportional to the needs  
16 of this case, especially given that this request seeks the production of all documents, without  
17 limitation, that “RELATE to any communications sent or received by Terri Garrett regarding  
18 complaints of racial harassment at the TESLA FACTORY.” The request impermissibly seeks “me  
19 too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this  
20 request to the extent it seeks the production of electronically stored information (including, but not  
21 limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and  
22 in proportion to the claims in this action. Defendant also objects to this request to the extent that it  
23 seeks documents protected by the attorney-client privilege, the attorney work product doctrine  
24 and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request  
25 to the extent it calls for documents that are protected from disclosure by third party privacy rights  
26 under the Federal and California constitutions and applicable statutes.

27 **REQUEST FOR PRODUCTION NO. 16:**

28 Please produce all DOCUMENTS, including (though not limited to) text messages, emails  
44

notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Terri Garrett regarding complaints of racial discrimination at the TESLA FACTORY.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any communications sent or received by Terri Garrett regarding complaints of racial discrimination.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any communications sent or received by Terri Garrett regarding complaints of racial discrimination at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 17:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Terri Garrett regarding complaints of retaliation at the TESLA FACTORY.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any communications sent or received by Terri Garrett regarding complaints of retaliation.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not

relevant to any party's claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that "RELATE to any communications sent or received by Terri Garrett regarding complaints of retaliation at the TESLA FACTORY." The request impermissibly seeks "me too" evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 18:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Terri Garrett regarding the use of racial slurs, including (though not limited to) "nigga," "nigger," and "ninga," at the TESLA FACTORY.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase "any communications sent or received by Terri Garrett regarding the use of racial slurs, including (though not limited to) 'nigga,' 'nigger,' and 'ninga.'" Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party's claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that "RELATE to any communications sent or received by Terri Garrett regarding the use of racial slurs, including (though not limited to) 'nigga,' 'nigger,' and 'ninga,' at the TESLA FACTORY." The request impermissibly seeks "me too" evidence that is not relevant to the claims and defenses in this case. Defendant objects to this

request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 19:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Terri Garrett regarding any complaints of racist graffiti in the restrooms at the TESLA FACTORY from 2010 to the present. (For the purposes of responding to this interrogatory, the phrase “racist graffiti” includes, though is not limited to, stylized, “golliwog”-, “pickaninny”-, or “sambo”-type depictions of African-American individuals; nooses; swastikas; the phrase “white power”; references to slavery or slave labor; and racial slurs, including, though not limited to, “nigger,” “nigga,” and “ninga.”)

**RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any communications sent or received by Terri Garrett regarding any complaints of racist graffiti in the restrooms.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any communications sent or received by Terri Garrett regarding any complaints of racist graffiti in the restrooms at the TESLA FACTORY from 2010 to the present.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and

meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 20:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Nancy Uhlenbrock regarding Plaintiff Owen Diaz.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any communications sent or received by Nancy Uhlenbrock regarding Plaintiff Owen Diaz.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any communications sent or received by Nancy Uhlenbrock regarding Plaintiff Owen Diaz.” Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it seeks the production of documents that are equally available to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to Defendant.

**REQUEST FOR PRODUCTION NO. 21:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails



notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Nancy Uhlenbrock regarding complaints of racial harassment at the TESLA FACTORY.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any communications sent or received by Nancy Uhlenbrock regarding complaints of racial harassment.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any communications sent or received by Nancy Uhlenbrock regarding complaints of racial harassment.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 22:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Nancy Uhlenbrock regarding complaints of racial discrimination at the TESLA FACTORY.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any communications



sent or received by Nancy Uhlenbrock regarding complaints of racial discrimination.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any communications sent or received by Nancy Uhlenbrock regarding complaints of racial discrimination at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 23:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Nancy Uhlenbrock regarding complaints of retaliation at the TESLA FACTORY.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any communications sent or received by Nancy Uhlenbrock regarding complaints of retaliation.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any communications sent or received by Nancy Uhlenbrock regarding complaints of retaliation at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this

request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 24:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any communications sent or received by Nancy Uhlenbrock regarding the use of racial slurs, including (though not limited to) “nigga,” “nigger,” and “ninga,” at the TESLA FACTORY.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any communications sent or received by Nancy Uhlenbrock regarding the use of racial slurs, including (though not limited to) ‘nigga,’ ‘nigger,’ and ‘ninga.’” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any communications sent or received by Nancy Uhlenbrock regarding the use of racial slurs, including (though not limited to) ‘nigga,’ ‘nigger,’ and ‘ninga’ at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.

1 Defendant objects to this request to the extent it calls for documents that are protected from  
2 disclosure by third party privacy rights under the Federal and California constitutions and  
3 applicable statutes.

4 **REQUEST FOR PRODUCTION NO. 25:**

5 Please produce all DOCUMENTS, including (though not limited to) text messages, emails  
6 notes, and memoranda which reflect, evidence, or RELATE to any communications sent or  
7 received by Nancy Uhlenbrock regarding any complaints of racist graffiti in the restrooms at the  
8 TESLA FACTORY from 2010 to the present. (For the purposes of responding to this interrogatory,  
9 the phrase “racist graffiti” includes, though is not limited to, stylized, “golliwog”-, “pickaninny”-  
10 , or “sambo”-type depictions of African-American individuals; nooses; swastikas; the phrase  
11 “white power”; reference to slavery or slave labor; and racial slurs, including, though not limited  
12 to, “nigger,” “nigga,” and “ninga.”)

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

14 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,  
15 vague and ambiguous, including, but not limited to, its use of the phrase “any communications  
16 sent or received by Nancy Uhlenbrock regarding any complaints of racist graffiti in the restrooms  
17 at the TESLA FACTORY from 2010 to the present.” Defendant further objects to this request as  
18 burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any  
19 party’s claims or defenses or that are not proportional to the needs of this case, especially given  
20 that this request seeks the production of all documents, without limitation, that “RELATE to any  
21 communications sent or received by Nancy Uhlenbrock regarding any complaints of racist graffiti  
22 in the restrooms at the TESLA FACTORY from 2010 to the present.” The request impermissibly  
23 seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant  
24 objects to this request to the extent it seeks the production of electronically stored information  
25 (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in  
26 the context of and in proportion to the claims in this action. Defendant also objects to this request  
27 to the extent that it seeks documents protected by the attorney-client privilege, the attorney work  
28 product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant

1 objects to this request to the extent it calls for documents that are protected from disclosure by  
2 third party privacy rights under the Federal and California constitutions and applicable statutes.

3 **REQUEST FOR PRODUCTION NO. 26:**

4 Please produce all DOCUMENTS, including (though not limited to) text messages, emails  
5 notes, and memoranda which reflect, evidence, or RELATE to any complaints of Ramon Martinez  
6 racially harassing employees at the TESLA FACTORY.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

8 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,  
9 vague and ambiguous, including, but not limited to, its use of the phrase “any complaints of Ramon  
10 Martinez racially harassing employees.” Defendant further objects to this request as burdensome,  
11 oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims  
12 or defenses or that are not proportional to the needs of this case, especially given that this request  
13 seeks the production of all documents, without limitation, that “RELATE to any complaints of  
14 Ramon Martinez racially harassing employees at the TESLA FACTORY.” The request  
15 impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case.  
16 Defendant objects to this request to the extent it seeks the production of electronically stored  
17 information (including, but not limited to emails, texts and meta-data) as burdensome, costly and  
18 oppressive in the context of and in proportion to the claims in this action. Defendant also objects  
19 to this request to the extent that it seeks documents protected by the attorney-client privilege, the  
20 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.  
21 Defendant objects to this request to the extent it calls for documents that are protected from  
22 disclosure by third party privacy rights under the Federal and California constitutions and  
23 applicable statutes.

24 **REQUEST FOR PRODUCTION NO. 27:**

25 Please produce all DOCUMENTS, including (though not limited to) text messages, emails,  
26 notes, and memoranda which reflect, evidence, or RELATE TO any investigations into complaints  
27 of Ramon Martinez racially harassing employees at the TESLA FACTORY.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any investigations into complaints of Ramon Martinez racially harassing employees.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE TO any investigations into complaints of Ramon Martinez racially harassing employees at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 28:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any complaints of Judy Timbreza racially harassing employees at the TESLA FACTORY.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any complaints of Judy Timbreza racially harassing employees.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any complaints of



1 Judy Timbreza racially harassing employees at the TESLA FACTORY.” The request  
2 impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case.  
3 Defendant objects to this request to the extent it seeks the production of electronically stored  
4 information (including, but not limited to emails, texts and meta-data) as burdensome, costly and  
5 oppressive in the context of and in proportion to the claims in this action. Defendant also objects  
6 to this request to the extent that it seeks documents protected by the attorney-client privilege, the  
7 attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect.  
8 Defendant objects to this request to the extent it calls for documents that are protected from  
9 disclosure by third party privacy rights under the Federal and California constitutions and  
10 applicable statutes.

11 **REQUEST FOR PRODUCTION NO. 29:**

12 Please produce all DOCUMENTS, including (though not limited to) text messages, emails  
13 notes, and memoranda which reflect, evidence, or RELATE to any investigations into complaints  
14 of Judy Timbreza racially harassing employees at the TESLA FACTORY.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

16 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,  
17 vague and ambiguous, including, but not limited to, its use of the phrase “any investigations into  
18 complaints of Judy Timbreza racially harassing employees.” Defendant further objects to this  
19 request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant  
20 to any party’s claims or defenses or that are not proportional to the needs of this case, especially  
21 given that this request seeks the production of all documents, without limitation, that “RELATE  
22 to any investigations into complaints of Judy Timbreza racially harassing employees at the TESLA  
23 FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims  
24 and defenses in this case. Defendant objects to this request to the extent it seeks the production of  
25 electronically stored information (including, but not limited to emails, texts and meta-data) as  
26 burdensome, costly and oppressive in the context of and in proportion to the claims in this action.  
27 Defendant also objects to this request to the extent that it seeks documents protected by the  
28 attorney-client privilege, the attorney work product doctrine and/or other privileges, protections,



or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 30:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any complaints of Judy Timbreza using racial slurs, including, though not limited to, “nigger,” “nigga,” or “ninga,” at the TESLA FACTORY.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any complaints of Judy Timbreza using racial slurs, including, though not limited to, ‘nigger,’ ‘nigga,’ or ‘ninga.’” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any complaints of Judy Timbreza using racial slurs, including, though not limited to, ‘nigger,’ ‘nigga,’ or ‘ninga,’ at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 31:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails

notes, and memoranda which reflect, evidence, or RELATE to any investigations into complaints of Judy Timbreza using racial slurs, including, though not limited to, “nigger,” “nigga,” or “ninga,” at the TESLA FACTORY.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any investigations into complaints of Judy Timbreza using racial slurs, including, though not limited to, ‘nigger,’ ‘nigga,’ or ‘ninga.’” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any investigations into complaints of Judy Timbreza using racial slurs, including, though not limited to, ‘nigger,’ ‘nigga,’ or ‘ninga,’ at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 32:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any complaints of Robert Hidalgo racially harassing employees at the TESLA FACTORY.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any complaints of Robert

Hidalgo racially harassing employees.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any complaints of Robert Hidalgo racially harassing employees at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 33:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any investigations into complaints of Robert Hidalgo racially harassing employees at the TESLA FACTORY.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “to any investigations into complaints of Robert Hidalgo racially harassing employees.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any investigations into complaints of Robert Hidalgo racially harassing employees at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the

production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 34:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any complaints of Robert Hidalgo using racial slurs, including though not limited to “nigger,” “nigga,” or “ninga,” at the TESLA FACTORY.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any complaints of Robert Hidalgo using racial slurs, including though not limited to ‘nigger,’ ‘nigga,’ or ‘ninga.’” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any complaints of Robert Hidalgo using racial slurs, including though not limited to ‘nigger,’ ‘nigga,’ or ‘ninga,’ at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by

third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 35:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any investigations into complaints of Robert Hidalgo using racial slurs, including though not limited to “nigger,” “nigga,” or “ninga,” at the TESLA FACTORY.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any investigations into complaints of Robert Hidalgo using racial slurs, including though not limited to ‘nigger,’ ‘nigga,’ or ‘ninga’.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any investigations into complaints of Robert Hidalgo using racial slurs, including though not limited to ‘nigger,’ ‘nigga,’ or ‘ninga,’ at the TESLA FACTORY.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 36:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any complaints of racial harassment at the TESLA FACTORY from 2010 to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any complaints of racial harassment at the TESLA FACTORY from 2010 to the present.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any complaints of racial harassment at the TESLA FACTORY from 2010 to the present.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 37:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any investigations into complaints of racial harassment at the TESLA FACTORY from 2010 to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any investigations into complaints of racial harassment at the TESLA FACTORY from 2010 to the present.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without



1 limitation, that “RELATE to any investigations into complaints of racial harassment at the TESLA  
 2 FACTORY from 2010 to the present.” The request impermissibly seeks “me too” evidence that is  
 3 not relevant to the claims and defenses in this case. Defendant objects to this request to the extent  
 4 it seeks the production of electronically stored information (including, but not limited to emails,  
 5 texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to  
 6 the claims in this action. Defendant also objects to this request to the extent that it seeks documents  
 7 protected by the attorney-client privilege, the attorney work product doctrine and/or other  
 8 privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent  
 9 it calls for documents that are protected from disclosure by third party privacy rights under the  
 10 Federal and California constitutions and applicable statutes.

11 **REQUEST FOR PRODUCTION NO. 38:**

12 Please produce all DOCUMENTS, including (though not limited to) text messages, emails  
 13 notes, and memoranda which reflect, evidence, or RELATE to any complaints of racial  
 14 discrimination at the TESLA FACTORY from 2010 to the present.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

16 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,  
 17 vague and ambiguous, including, but not limited to, its use of the phrase “any complaints of racial  
 18 discrimination at the TESLA FACTORY from 2010 to the present.” Defendant further objects to  
 19 this request as burdensome, oppressive and harassing to the extent that it seeks documents not  
 20 relevant to any party’s claims or defenses or that are not proportional to the needs of this case,  
 21 especially given that this request seeks the production of all documents, without limitation, that  
 22 “RELATE to any complaints of racial discrimination at the TESLA FACTORY from 2010 to the  
 23 present.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and  
 24 defenses in this case. Defendant objects to this request to the extent it seeks the production of  
 25 electronically stored information (including, but not limited to emails, texts and meta-data) as  
 26 burdensome, costly and oppressive in the context of and in proportion to the claims in this action.  
 27 Defendant also objects to this request to the extent that it seeks documents protected by the  
 28 attorney-client privilege, the attorney work product doctrine and/or other privileges, protections,

or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 39:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any investigations into complaints of racial discrimination at the TESLA FACTORY from 2010 to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any investigations into complaints of racial discrimination at the TESLA FACTORY from 2010 to the present.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any investigations into complaints of racial discrimination at the TESLA FACTORY from 2010 to the present.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 40:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any complaints of racial harassment at the TESLA FACTORY made by Michael Wheeler.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any complaints of racial harassment at the TESLA FACTORY made by Michael Wheeler.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any complaints of racial harassment at the TESLA FACTORY made by Michael Wheeler.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 41:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any investigations into complaints of racial harassment at the TESLA FACTORY made by Michael Wheeler.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any investigations into complaints of racial harassment at the TESLA FACTORY made by Michael Wheeler.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without

1 limitation, that “RELATE to any investigations into complaints of racial harassment at the TESLA  
 2 FACTORY made by Michael Wheeler.” The request impermissibly seeks “me too” evidence that  
 3 is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent  
 4 it seeks the production of electronically stored information (including, but not limited to emails,  
 5 texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to  
 6 the claims in this action. Defendant also objects to this request to the extent that it seeks documents  
 7 protected by the attorney-client privilege, the attorney work product doctrine and/or other  
 8 privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent  
 9 it calls for documents that are protected from disclosure by third party privacy rights under the  
 10 Federal and California constitutions and applicable statutes.

11 **REQUEST FOR PRODUCTION NO. 42:**

12 Please produce all DOCUMENTS, including (though not limited to) text messages, emails  
 13 notes, and memoranda which reflect, evidence, or RELATE to any complaints of racial harassment  
 14 at the TESLA FACTORY made by Plaintiff Owen Diaz.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

16 Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain,  
 17 vague and ambiguous, including, but not limited to, its use of the phrase “any complaints of racial  
 18 harassment at the TESLA FACTORY.” Defendant further objects to this request as burdensome,  
 19 oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims  
 20 or defenses or that are not proportional to the needs of this case, especially given that this request  
 21 seeks the production of all documents, without limitation, that “RELATE to any complaints of  
 22 racial harassment at the TESLA FACTORY made by Plaintiff Owen Diaz.” Defendant objects to  
 23 this request to the extent it seeks the production of electronically stored information (including,  
 24 but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context  
 25 of and in proportion to the claims in this action. Defendant also objects to this request to the extent  
 26 that it seeks documents protected by the attorney-client privilege, the attorney work product  
 27 doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to  
 28 this request to the extent it seeks the production of documents that are equally available to Plaintiff.

Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to Defendant.

**REQUEST FOR PRODUCTION NO. 43:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any investigations into complaints of racial harassment at the TESLA FACTORY made by Plaintiff Owen Diaz.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any investigations into complaints of racial harassment at the TESLA FACTORY.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any investigations into complaints of racial harassment at the TESLA FACTORY made by Plaintiff Owen Diaz.” Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it seeks the production of documents that are equally available to Plaintiff. Defendant objects to this request on the grounds that Plaintiff was not an employee of Defendant and this request is therefore inapplicable to Defendant.

**REQUEST FOR PRODUCTION NO. 44:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any complaints of racist graffiti in the restrooms at the TESLA FACTORY from 2010 to the present. (For the purposes of responding to this interrogatory, the phrase “racist graffiti” includes, though is not limited to, stylized,

“golliwog”-, “pickaninny”-, or “sambo”-type depictions of African-American individuals; nooses; swastikas; the phrase “white power”; reference to slavery or slave labor; and racial slurs, including, though not limited to, “nigger,” “nigga,” and “ninga.”)

**RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any complaints of racist graffiti in the restrooms at the TESLA FACTORY.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any complaints of racist graffiti in the restrooms at the TESLA FACTORY from 2010 to the present.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 45:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any investigations into complaints of racist graffiti in the restrooms at the TESLA FACTORY from 2010 to the present. (For the purposes of responding to this interrogatory, the phrase “racist graffiti” includes, though is not limited to, stylized, “golliwog”-, “pickaninny”-, or “sambo”-type depictions of African-American individuals; nooses; swastikas; the phrase “white power”; references to slavery or slave labor; and racial slurs, including, though not limited to, “nigger,” “nigga,” and “ninga.”)



**RESPONSE TO REQUEST FOR PRODUCTION NO. 45:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any investigations into complaints of racist graffiti in the restrooms at the TESLA FACTORY.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any investigations into complaints of racist graffiti in the restrooms at the TESLA FACTORY from 2010 to the present.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 46:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any complaints about the use of racial slurs, including, though not limited to, “nigger,” “nigga,” and “ninga,” at the TESLA FACTORY from 2010 to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 46:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any complaints about the use of racial slurs, including, though not limited to, “nigger,” “nigga,” and “ninga,” at the TESLA FACTORY.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or

that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any complaints about the use of racial slurs, including, though not limited to, “nigger,” “nigga,” and “ninga,” at the TESLA FACTORY from 2010 to the present.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 47:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any complaints about the use of racial slurs, including, though not limited to, “nigger,” “nigga,” and “ninga,” at the TESLA FACTORY from 2010 to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 47:**

Objection. Defendant objects to this requests as burdensome, oppressive and harassing as it is duplicative of Request No. 46. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any complaints about the use of racial slurs, including, though not limited to, “nigger,” “nigga,” and “ninga,” at the TESLA FACTORY.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any complaints about the use of racial slurs, including, though not limited to, “nigger,” “nigga,” and “ninga,” at the TESLA FACTORY from 2010 to the present.” The request impermissibly seeks “me too”

evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 48:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any complaints about retaliation for complaining of racial harassment at the TESLA FACTORY from 2010 to the present day.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 48:**

Objection. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any complaints about retaliation for complaining of racial harassment at the TESLA FACTORY.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any complaints about retaliation for complaining of racial harassment at the TESLA FACTORY from 2010 to the present day.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights

under the Federal and California constitutions and applicable statutes.

**REQUEST FOR PRODUCTION NO. 49:**

Please produce all DOCUMENTS, including (though not limited to) text messages, emails notes, and memoranda which reflect, evidence, or RELATE to any complaints about retaliation for complaining of racial harassment at the TESLA FACTORY from 2010 to the present day.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 49:**

Objection. Defendant objects to this requests as burdensome, oppressive and harassing as it is duplicative of Request No. 48. Defendant objects to this request on the grounds that it is overbroad, uncertain, vague and ambiguous, including, but not limited to, its use of the phrase “any complaints about retaliation for complaining of racial harassment at the TESLA FACTORY.” Defendant further objects to this request as burdensome, oppressive and harassing to the extent that it seeks documents not relevant to any party’s claims or defenses or that are not proportional to the needs of this case, especially given that this request seeks the production of all documents, without limitation, that “RELATE to any complaints about retaliation for complaining of racial harassment at the TESLA FACTORY from 2010 to the present day.” The request impermissibly seeks “me too” evidence that is not relevant to the claims and defenses in this case. Defendant objects to this request to the extent it seeks the production of electronically stored information (including, but not limited to emails, texts and meta-data) as burdensome, costly and oppressive in the context of and in proportion to the claims in this action. Defendant also objects to this request to the extent that it seeks documents protected by the attorney-client privilege, the attorney work product doctrine and/or other privileges, protections, or doctrines of similar effect. Defendant objects to this request to the extent it calls for documents that are protected from disclosure by third party privacy rights under the Federal and California constitutions and applicable statutes.

DATE: June 13, 2019

FISHER & PHILLIPS LLP

By: 

Jason A. Geller

Juan C. Araneda

Vincent J. Adams

Attorneys for Defendant nextSource, Inc.

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**CERTIFICATE OF SERVICE**

I, the undersigned, am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; am employed with the law offices of Fisher & Phillips LLP and my business address is One Embarcadero Center, Suite 2050, San Francisco, California 94111.

On June 13, 2019, I served **DEFENDANT NEXTSOURCE, INC.'S OBJECTIONS TO PLAINTIFFS' FIRST AMENDED NOTICE OF VIDEOTAPED DEPOSITION OF NEXTSOURCE, INC.'S PERSON MOST KNOWLEDGEABLE PURSUANT TO FED. R. CIV. P. 30(b)(6); AND REQUEST FOR PRODUCTION OF DOCUMENTS** on all appearing and/or interested parties as follows:

Lawrence A. Organ  
Navruz Avloni  
California Civil Rights Law Group  
332 San Anselmo Avenue  
San Anselmo, CA 94960

*Attorneys for Plaintiffs*  
*DEMETRIC DI-AZ, OWEN DIAZ and*  
*LAMAR PATTERSON*

Tel.: (415) 453-4740  
Fax: (415) 785-7352  
Email: [larry@civilrightsca.com](mailto:larry@civilrightsca.com)  
[navruz@civilrightsca.com](mailto:navruz@civilrightsca.com)

☒ **[By messenger service.]** I served the document(s) by placing it/them in envelopes or packages addressed to the persons at the addresses listed above and providing them to a professional messenger for service.

☒ **FEDERAL** - I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 13, 2019, at San Francisco, California.

/s/ Catherine Schmitz  
Catherine Schmitz

**CERTIFICATE OF SERVICE**

I, the undersigned, am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; am employed with the law offices of Fisher & Phillips LLP and my business address is One Embarcadero Center, Suite 2050, San Francisco, California 94111.

On June 13, 2019, I served **DEFENDANT NEXTSOURCE, INC.'S OBJECTIONS TO PLAINTIFFS' FIRST AMENDED NOTICE OF VIDEOTAPED DEPOSITION OF NEXTSOURCE, INC.'S PERSON MOST KNOWLEDGEABLE PURSUANT TO FED. R. CIV. P. 30(b)(6); AND REQUEST FOR PRODUCTION OF DOCUMENTS** on all appearing and/or interested parties as follows:

Tracey A. Kennedy Sheppard, Mullin, Richter & Hampton LLP 333 South Hope Street, 43rd Floor Los Angeles, CA 90071	<i>Attorneys for Defendant</i> <i>TESLA, INC. dba TESLA MOTORS, INC.</i>  Tel.: (213) 620-1780 Fax: (213) 620-1398 Email: <a href="mailto:tkennedy@sheppardmullin.com">tkennedy@sheppardmullin.com</a>
Patricia M. Jeng Reanne Swafford-Harris Sheppard, Mullin, Richter & Hampton LLP Four Embarcadero Center, 17th Floor San Francisco, CA 94111	<i>Attorneys for Defendant</i> <i>TESLA, INC. dba TESLA MOTORS, INC.</i>  Tel.: (415) 434-9100 Fax: (415) 434-3947 Email: <a href="mailto:pjeng@sheppardmullin.com">pjeng@sheppardmullin.com</a> <a href="mailto:rswofford-harris@sheppardmullin.com">rswofford-harris@sheppardmullin.com</a>
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☒ **[by MAIL]** I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one day after date of deposit for mailing this affidavit.

☐ **[By Electronic Submission.]** I served the above listed document(s) described via the United States District Court's Electronic Filing Program on the designated recipients via electronic transmission through the CM/ECF system on the Court's website. The Court's CM/ECF system will generate a Notice of Electronic Filing (NEF) to the filing party, the assigned judge, and any registered users in the case. The NEF will constitute service of the document(s). Registration as a CM/ECF user constitutes consent to electronic service through the court's transmission facilities.

☒ **FEDERAL** - I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 13, 2019, at San Francisco, California.

/s/ Catherine Schmitz  
 Catherine Schmitz